

**OFFICIAL
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA**

MINUTES

**October 23, 2003 - 1:30 pm
Seminole County Services Building – Room 1028
1101 East First St, Sanford FL**

I Call to Order

The scheduled meeting of the Seminole County Code Enforcement Board was called to order at 1:40 pm in the Seminole County Services Building, Room 1028, 1101 East First St, Sanford FL.

A few moments of silence was held followed by the Pledge of Allegiance.

II Pledge of Allegiance

III Roll Call

Members Present: Tom Hagood, Chair
Jean Metts, Vice Chair
Larry Lawver
Stewart Fritz
Bill Fahey

Members Excused: Jay Ammon
Anne Blakey

Present & Sworn: Debi Morgan, 03-89-CEB, Respondent
Mark Welch, 03-42-CEB, Respondent
Matt West, Planning Manager, Seminole County
Planning and Development

Deborah Leigh, Senior Code Enforcement Officer, SCSO
Dorothy Hird, Code Enforcement Officer, SCSO
Joann Davids, Code Enforcement Officer, SCSO
Donna Wisniewski, Code Enforcement Officer, SCSO
Jerry Robertson, Code Enforcement Officer, SCSO
Pamela Taylor, Code Enforcement Officer, SCSO

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Others Present: Yvette Brown, Attorney, representing Dan Mantzaris,
Code Enforcement Board Attorney
Connie R. DeVasto, Clerk to the Code Enforcement Board

IV Swearing in of Witnesses

None

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The Chairman advised that there were requests for continuances on the following two cases and the Board hereby continues these cases to the next Hearing, Thursday, December 4, 2003.

The Chairman also advised that there is a request for continuance by the Respondents in Case No 03-73-CEB. There was discussion with the Board Members and the Attorney that the Sheriff's Office had requested that there be a clarification of this case and that the Respondents did not need to be present and the case did not need to be continued. This issue will be heard in the order that it is listed on the Agenda:

Case No 03-88-CEB
Collison Holding Co.
Gregory L. Collison, Registered Agent
Code Enforcement Officer: Donna Wisniewski
Complaint No: 2003CE000063

Violation Charged: Seminole County Land Development Code, Chapter 30, Section 30.202 & 30.203.

Described as: 1) Operation of a business or extension of a business is not a permitted use in residential zoning.

Location: Betty Street, Winter Park (Commission District 2)
Tax Parcel ID # 34-21-30-529-0000-4940 and
Tax Parcel ID # 34-21-30-529-0000-4950

Continued to Thursday, December 4, 2003 Hearing.
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SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
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Case No 03-62-CEB
Pamela A. Harris
Code Enforcement Officer: Dorothy Hird
Complaint No: 03-4002

Requested Board action: Staff requests that Board issue an Order constituting a lien in the amount of \$1,350.00, 27 days of non-compliance from August 23, 2003 through September 19, 2003 at \$50.00 per day. Current fines total \$1,350.00 through September 19, 2003 which is the date of compliance.

Violation charged: Seminole County Code, Chapter 95, Sections 95.4 as defined in Section 95.3(h)(l).
Described as: 1) Uncultivated vegetation in excess of 24" in height and within 75' of a structure.
2) Junked or abandoned vehicles, not enclosed in an attached carport or an enclosed garage.
Location: 1238 Pine Street, Altamonte Springs (Commission District 4)
Tax Parcel ID # 18-21-30-504-0A00-0160

Continued to Thursday, December 4, 2003 Hearing.

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V Agenda Update & Approval

The published agenda was revised to allow respondents and witnesses present at today's hearing to be heard first. The remaining cases would then be heard in the order originally published.

MOTION BY LARRY LAWVER, SECONDED BY STEWART FRITZ TO APPROVE THE REVISED AGENDA.

**TOM HAGOOD, CHAIR – YES
LARRY LAWVER – YES
BILL FAHEY - YES**

**JEAN METTS, VICE-CHAIR - YES
STEWART FRITZ – YES**

MOTION CARRIED 5 – 0.

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The following cases will not be heard today:

Steven L. Anderson, Case No 03-90-CEB, Complied Prior to Hearing
Todd & Susan Powell, Case No 03-91-CEB, Complied Prior to Hearing
Steven & Alicia Cook, Case No 03-93-CEB, Complied Prior to Hearing

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Case No 03-89-CEB
James & Debra Morgan
Code Enforcement Officer: Pamela Taylor
Complaint No: 02-05113

Violation Charged: Seminole County Land Development Code, Chapter 40, Section 40.12(a).
Described as: 1) Operation of a business on subject property without an approved site plan.
Location: 5005 N CR 427, Sanford (Commission District 5)
Tax Parcel ID # 23-20-30-300-027B-0000

Pamela Taylor, Code Enforcement Officer, testified on behalf of the County and entered into evidence photographs of the violation. She also testified that the Respondents are still in violation.

Debi Morgan, Respondent, testified that they have been trying to get a site plan approved and has been advised that it will be mid-November before this can be accomplished.

After a discussion of this case by the Board:

**MOTION BY JEAN METTS, SECONDED BY LARRY LAWVER THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 03-89-CEB, it is determined that the Respondents are:

- (a) the owner of record of the property (Tax Parcel ID #23-20-30-300-027B-0000) located at 5005 N CR 427 Sanford, located in Seminole County and legally described as follows:

SEC 23 TWP 20S RGE 30E FROM INT W LI OF NW 1/4 SLY
R/W CR 427 RUN N 59 DEG 05 MIN 30 SEC E 220.23 FT S
30 DEG 54 MIN 30 SEC E 10 FT N 59 DEG 05 MIN 30 SEC
E 34.16 FT TO POB N 59 DEG 05 MIN 30 SEC E 198.13 FT
ALONG CURVE 16.56 FT N 29 DEG 59 MIN 48 SEC W 5 FT
NELY ALONG CURVE 144.15 FT S 404.03 FT S 52 DEG 50
MIN 16 SEC W 56.42 FT S 44 DEG 31 MIN 16 SEC W 45 FT
S 39 DEG 25 MIN 16 SEC W 47.26 FT N 174.27 FT S 61
DEG 30 MIN 32 SEC W 67.88 FT N 25 DEG 43 MIN 06 SEC W
59.51 FT S 61 DEG 30 MIN 32 SEC W 15.43 FT N 27 DEG 58
MIN 09 SEC W 33.28 FT S 62 DEG 59 MIN 36 SEC W 5.58 FT
N 27 DEG 00 MIN 24 SEC W 66.61 FT S 64 DEG 28 MIN 41
SEC W 22.99 FT N 25 DEG 31 MIN 37 SEC W 71.01 FT TO BEG

- (b) in possession or control of the property; and
(c) in violation of Seminole County Land Development Code, Chapter 40, Section 40.12(a).

It is hereby ordered that the Respondent comply on or before **January 23, 2004**. In order to comply, the Respondent shall take the following remedial action:

**APPLY FOR AND OBTAIN AN APPROVED
SITE PLAN OR CEASE THE OPERATION OF
A BUSINESS ON SUBJECT PROPERTY
UNTIL A SITE PLAN HAS BEEN OBTAINED AND
ALL CONDITIONS MET.**

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If the Respondents do not comply with the Order, a fine of **\$200.00** per day per violation will be imposed for each day the violations continue, or are repeated after compliance past **January 23, 2004**. The Respondents are further ordered to contact the Seminole County Code Enforcement Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Enforcement Officer inspects the property and verifies compliance with this Order.

This order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondents..

DONE AND ORDERED this 23rd day of October, 2003, in Seminole County, Florida.

TOM HAGOOD, CHAIR – YES
LARRY LAWVER – YES
BILL FAHEY - YES

JEAN METTS, VICE-CHAIR - YES
STEWART FRITZ – YES

MOTION CARRIED 5 – 0.

Case No 03-87-CEB
Altagracia Perez
Code Enforcement Officer: Dorothy Hird
Complaint No: 03-6165

Violation Charged: Seminole County, Chapter 95, Section 95.4 as defined in Section 95.3(I).
Described as: 1) Junked or abandoned vehicle not kept within an enclosed garage or an attached carport.
Location: 332 Ridgewood Street, Altamonte Springs (Commission District 4)
Tax Parcel ID # 11-21-29-503-0G00-0120

Dorothy Hird, Code Enforcement Officer, testified on behalf of the County and entered into evidence photographs of the violation. She also testified that the Respondent is still in violation.

The Respondent was not present at the Hearing.

After a discussion of this case by the Board:

**MOTION BY BILL FAHEY, SECONDED BY STEWART FRITZ THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 03-87-CEB, it is determined that the Respondents are:

- (a) the owner of record of the property (Tax Parcel ID #11-21-29-503-0G00-0120) located at 332 Ridgewood Street, Altamonte Springs, located in Seminole County and legally described as follows:

LEG LOTS 12 + 13 BLK G WEST ALTAMONTE HEIGHTS SEC 2
PB 10 PG 75

- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(l).

It is hereby ordered that the Respondent comply on or before **November 7, 2003**. In order to comply, the Respondent shall take the following remedial action:

**REMOVE THE JUNKED OR ABANDONED VEHICLE
NOT KEPT WITHIN AN ENCLOSED GARAGE OR
CARPORT.**

If the Respondents do not comply with the Order, a fine of **\$50.00** per day per violation will be imposed for each day the violations continue, or are repeated after compliance past **November 7, 2003**. The Respondents are further ordered to contact the Seminole County Code Enforcement Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Enforcement Officer inspects the property and verifies compliance with this Order.

This order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondents.

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DONE AND ORDERED this 23rd day of October, 2003, in Seminole County, Florida.

**TOM HAGOOD, CHAIR – YES
LARRY LAWVER – YES
BILL FAHEY - YES**

**JEAN METTS, VICE-CHAIR - YES
STEWART FRITZ – YES**

MOTION CARRIED 5 – 0.

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Case No 03-92-CEB
Benjamin & Yvonne Hall
Code Enforcement Officer: Pamela Taylor
Complaint No: 03-06008

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(l)(h).
Described as: 1) Junked or abandoned vehicle not kept within an enclosed garage or an attached carport.
2) Uncultivated vegetation.
Location: 2090 W. Airport Blvd., Sanford (Commission District 5)
Tax Parcel ID # 19-21-30-507-0B00-0040

Pamela Taylor, Code Enforcement Officer, testified on behalf of the County and entered into evidence photographs of the violations. She also testified that the Respondents are still in violation.

The Respondents were not present at the Hearing.

After a discussion of this case by the Board:

**MOTION BY STEWART FRITZ, SECONDED BY BILL FAHEY THAT
THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 03-92-CEB, it is determined that the Respondents are:

- (a) the owner of record of the property (Tax Parcel ID #19-21-30-507-0B00-0040) located at 2090 W. Airport Blvd, Sanford, located in Seminole County and legally described as follows:

LEG LOTS 1 + 2 BLK 8 LOCKHARTS SUBD PB 3 PG 70

- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code, Chapter 95, Section 95.4 as defined as 95.3(l)(h).

It is hereby ordered that the Respondent comply on or before **November 13, 2003**. In order to comply, the Respondent shall take the following remedial action:

**REMOVE THE JUNKED OR ABANDONED VEHICLE
NOT KEPT WITHIN AN ENCLOSED GARAGE OR AN
ATTACHED CARPORT AND THE UNCULTIVATED
VEGETATION.**

If the Respondents do not comply with the Order, a fine of **\$100.00** per day per violation will be imposed for each day the violations continue, or are repeated after compliance past **November 13, 2003**. The Respondents are further ordered to contact the Seminole County Code Enforcement Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Enforcement Officer inspects the property and verifies compliance with this Order.

This order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 23rd day of October, 2003, in Seminole County, Florida.

**TOM HAGOOD, CHAIR – YES
LARRY LAWVER – YES
BILL FAHEY - YES**

**JEAN METTS, VICE-CHAIR - YES
STEWART FRITZ – YES**

MOTION CARRIED 5 – 0.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
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Case No 03-42-CEB
Mark Welch
Code Enforcement Officer: Joann Davids
Complaint No: 03-1105 & 03-3101

Requested Board action: Staff requests that Board issue an order constituting a lien in the amount of \$11,400.00, 114 days at \$100.00 per day, from June 12, 2003 through September 25, 2003, be recorded in the public records finding non-compliance and the fine shall continue to accrue at \$100.00 per day for each day the violation continues past September 25, 2003. Current fines total \$11,400.00 through September 25, 2003.

Violation charged: Seminole County Land Development Code, Chapter 30, Section 30.1349(e).
Described as: 1) Fence not maintained in its original upright condition.
Location: 432 Wilderness Drive, Longwood, (Commission District 3)
Tax Parcel ID #33-20-29-511-0000-0010

Joann Davids, Code Enforcement Officer, testified on behalf of the County and advised that this case was continued from last month at the request of the Respondent and that the Respondent is still in violation.

Mr. Welch, Respondent, stated that he is still not sure that the fence is on his property.

Joann Davids advised that the Respondents next door neighbor had a surveyor come out and the surveyor advised that the fence was on the Respondent's property.

A question was asked by the Board if there is an ordinance as to how the fence must be installed. Does the owner have to put the 'good' side towards his home or facing out towards the neighbors.

Matt West, Planning Manager, testified that there isn't an ordinance as to whether the 'good' part of the fence must face the owner's home. It is up to the owner of the fence as to how the fence is installed.

After a discussion of this case by the Board:

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MOTION BY LARRY LAWVER, SECONDED BY BILL FAHEY TO PLACE A LIEN ON THE PROPERTY.

JEAN METTS OPPOSED THE MOTION. MOTION WAS WITHDRAWN BY MR. LAWVER.

After discussion of this by the Board:

MOTION BY STEWART FRITZ, SECONDED BY LARRY LAWVER, TO TABLE THE MOTION UNTIL DECEMBER 4, 2003. THE FINE WILL CONTINUE TO ACCRUE.

**TOM HAGOOD, CHAIR – YES
LARRY LAWVER – YES
BILL FAHEY - YES**

**JEAN METTS, VICE-CHAIR - YES
STEWART FRITZ – YES**

MOTION CARRIED 5 – 0.

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Case No 03-73-CEB
Joseph E. Baker &
Della E. Diaz
Code Enforcement Officer: Joann Davids
Complaint No: 03-4022

Violation Charged: Seminole County Land Development Code, Chapter 30, Section 30.202.
Described as: 1) Placement of a storage container which is not a customary accessory use in a R-1A zone.
Location: 9400 Via Palma Ceia, Apopka, (Commission District 7)
Tax Parcel ID #19-21-29-504-0E00-0070

This case originally appeared before the Board on August 28, 2003. A Motion was entered by the Board and a Findings of Fact, Conclusions of Law and Order was signed by the Chairman. A request to bring this case before the Board for clarification of the Order has been made by Lieutenant Mike Weippert of the Seminole County Sheriff's Office.

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The Chairman explains to the Board the history of this case.

Joann Davids, Code Enforcement Officer, testified that the Sheriff's Office would like clarification of the Findings of Fact, Conclusions of Law and Order approved by the Board on August 28, 2003.

The Chairman explains in detail the issues in this case.

After discussion of the issues by the Board and with Yvette Brown, Attorney, who is representing Dan Mantzaris, the Board's Attorney, the Board agreed that the Findings of Fact, Conclusions of Law and Order signed on August 28, 2003 stands as written.

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Case No 01-108-CEB
Karen A. Farrington A/K/A Karen A. Thompson
Code Enforcement Officer: Joann Davids
Complaint No: 01-00009020

Violation Charged: Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(o).

Described as: 1) All swimming pools shall be completely enclosed by a screen enclosure, a link-type fence, or a solid wall as approved by the building official of a minimum height of forty-eight (48) inches; the gates of same shall be the self-closing and latching type with a latch on the inside of the gate or enclosure located at least forty-six (46) inches about the ground.

Location: 287 Needles Trail, Longwood (Commission District 4)
Tax Parcel ID # 05-21-29-513-0000-0440

Joann Davids, Code Enforcement Officer, testified on behalf of the County and entered into evidence photographs of the violation. She also testified that this is a repeat violation and that this is a serious threat to the safety, health and welfare of the residents of the County.

The Respondent was not present at the Hearing.

After a discussion of this case by the Board:

**MOTION BY BILL FAHEY, SECONDED BY LARRY LAWVER, THAT THE
ORDER OF REPEAT VIOLATION BE:**

ORDER OF REPEAT VIOLATION

The Respondent is in violation of Section 95.4 as defined in Section 95.3(o), Seminole County Code based on the following findings:

- (a) The Respondent is the owner of record of the property (Tax Parcel ID #05-21-29-513-0000-0440 located at 287 Needles Trail, (District 4), Longwood, located in Seminole County and legally described as follows:

LEG LOT 44 WEKIVA CLUB ESTATES SEC 8 PB 24
PGS 20 & 21

- (b) The Respondent is in possession/control of the property.

Based on the testimony and evidence presented in Case No 01-108-CEB, the Respondent was in violation of the Seminole County Code on September 27, 2001. Compliance was achieved on October 10, 2001. A re-inspection was performed on October 3, 2003 which found that the violation was being repeated. **Said violation poses a serious threat to the safety, health and welfare of the residents of the County.**

The Board hereby finds the Respondent in repeat violation and a fine in the amount of **\$250.00** per day is hereby imposed beginning **October 3, 2003**. The Respondents shall take the following remedial action in order to come into compliance:

**SECURE THE POOL ACCORDING TO SEMINOLE
COUNTY CODE REQUIREMENTS**

The fine shall continue to accrue from the day the violation was repeated, **October 3, 2003**, until the date it is corrected as observed and documented by the Code Enforcement Officer. The Respondents are further ordered to contact the Seminole County Code Enforcement Officer to arrange inspection and/or re-inspection of the property as is necessary to verify compliance with this Order.

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This Order shall be recorded in the public records of Seminole County, Florida.

DONE AND ORDERED this 23rd day of October, 2003, in Seminole County, Florida.

**TOM HAGOOD, CHAIR – YES
LARRY LAWVER – YES
BILL FAHEY - YES**

**JEAN METTS, VICE-CHAIR - YES
STEWART FRITZ – YES**

MOTION CARRIED 5 – 0

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- VII Approval of the minutes from the meeting of September 25, 2003.**
- MOTION BY LARRY LAWVER, SECONDED BY BILL FAHEY TO APPROVE THE MINUTES FROM THE MEETING OF SEPTEMBER 25, 2003.**
- VIII Confirmation date of next meeting: December 4, 2003.**
- IX Old Business – None.**
- X New Business – None.**
- XI Adjourn - There being no further discussion, this meeting was adjourned at 2:25 pm.**

Respectfully submitted:

Connie R. DeVasto
Clerk to the Code Enforcement Board

Tom Hagood
Chair